

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHARLES M. KUPPERMAN,

Plaintiff,

v.

UNITED STATES HOUSE OF
REPRESENTATIVES, *et al.*,

Defendants,

THE HONORABLE PAUL D. IRVING,
in his official capacity as Sergeant at Arms of the
United States House of Representatives,
The United States Capitol, Room H-124
Washington, D.C. 20515

Proposed Defendant.

Civil Action No. 19-3224 (RJL)

**PLAINTIFF’S UNOPPOSED MOTION TO FILE
A CONSOLIDATED RESPONSE BRIEF AND TO ENLARGE THE PAGE LIMIT**

Plaintiff Charles M. Kupperman respectfully moves under LCvR 7(e) to file a consolidated response brief and enlarge the page limit otherwise applicable to his consolidated memorandum in opposition to Defendants’ respective motions to dismiss.

On November 14, 2019, the President filed a motion to dismiss totaling 45 pages, the maximum permitted under the local rules, and the House Defendants filed a motion to dismiss totaling 27 pages. Defendants’ motions raise numerous, non-overlapping arguments for dismissal of this action, including mootness, standing, ripeness, sovereign immunity, presidential absolute immunity, Speech or Debate immunity, and lack of a cause of action.

Because the President and the House Defendants have filed separate motions to dismiss, Plaintiff is entitled to file two separate memoranda in opposition, and under LCvR 7(e), the page limit for each memorandum would be 45 pages, for a total of 90 pages of briefing. Plaintiff respectfully submits that it would be far more efficient and convenient for the Court if Plaintiff filed a single, consolidated brief in opposition to Defendants' respective motions to dismiss, but because the consolidated brief would arguably be limited to 45 pages under LCvR 7(e), Plaintiff respectfully requests a 10-page enlargement of the page limit for his consolidated brief. Plaintiff would thus file a single 55-page brief rather than two separate briefs totaling up to 90 pages. *See Patchak v. Jewell*, 109 F. Supp. 3d 152, 165 (D.D.C. 2015) (Leon, J.).

Given both the number and complexity of the justiciability issues raised by Defendants, Plaintiff respectfully submits that more than 45 pages is necessary to adequately respond to Defendants' arguments. Moreover, this is an exceptionally important case implicating profound questions about the separation of powers, and it arises in the context of an impeachment inquiry relating to the President of the United States.

Plaintiff has conferred with counsel for the President and counsel for the House Defendants, and Defendants do not oppose this motion. Plaintiff respectfully requests that this Court enter an order granting leave for Plaintiff to file a consolidated brief in opposition to Defendants' motions to dismiss and enlarging the page limit for Plaintiff's consolidated memorandum by 10 pages (i.e., setting Plaintiff's page limit at 55 pages).

November 27, 2019

Respectfully submitted,

/s/ Charles J. Cooper
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